

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Santosh Prakash	Team: Team # 1	CCRB Case #: 201401522	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input checked="" type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Friday, 02/14/2014 10:15 PM	Location of Incident: 112th Precinct stationhouse	Precinct: 112	18 Mo. SOL 8/14/2015	EO SOL 8/14/2015	
Date/Time CV Reported Fri, 02/14/2014 11:34 PM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Fri, 02/14/2014 11:34 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. SGT Thomas Jusza	01094	935087	112 PCT
2. POF Donna Fogus	06305	939863	112 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POF Donna Fogus	Off. Language: PO Donna Fogus made remarks to § 87(2)(b) and § 87(2)(b) based upon ethnicity.	
B.SGT Thomas Jusza	Off. Language: Sgt. Thomas Jusza made remarks to § 87(2)(b) based upon ethnicity.	
C.SGT Thomas Jusza	Abuse: Sgt. Thomas Jusza refused to provide his name to § 87(2)(b)	
D.SGT Thomas Jusza	Abuse: Sgt. Thomas Jusza threatened to arrest § 87(2)(b) and § 87(2)(b)	

### Case Summary

On February 14, 2014, at approximately 10:15 p.m., § 87(2)(b) went to the 112<sup>th</sup> Precinct stationhouse with his mother, § 87(2)(b) to file a complaint against his ex-wife regarding stolen property. § 87(2)(b) spoke to PO Donna Fogus and later Sergeant Thomas Jusza, both of the 112<sup>th</sup> Precinct, about filing a complaint, which they refused to file. While § 87(2)(b) spoke in Hebrew with his mother, PO Fogus allegedly told § 87(2)(b) “In this country, we speak English (**Allegation A**).” Sgt. Jusza allegedly told § 87(2)(b) “Israelis are stubborn and not very bright when it comes to police (**Allegation B**).” Sgt. Jusza also allegedly refused to provide his name to § 87(2)(b) (**Allegation C**) and then allegedly threatened to arrest § 87(2)(b) and § 87(2)(b) if they did not leave the station house (**Allegation D**) (complaint encl. c1-c6; CCRB statements encl. d1-3, e1).

### Mediation, Civil and Criminal Histories

A Notice of Claim concerning this incident has not been filed (i1). This case was originally sent to the Mediation Unit on June 12, 2014; it was deemed unsuitable for mediation on December 31, 2014 and returned for investigation. [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

### Civilian and Officer CCRB Histories

- § 87(2)(b) filed CCRB complaint § 87(2)(b)  
§ 87(2)(b)  
§ 87(2)(b)  
§ 87(2)(b)
- PO Fogus has been a member of the NYPD for nine years and there are no substantiated CCRB allegations against her (encl. a1).
- Sgt. Jusza has been a member of the NYPD for ten years and there are no substantiated CCRB allegations against him (encl. a2).

### Findings and Recommendations

#### Explanation of Subject Officers Identification

Because it is undisputed that Sergeant Jusza and PO Fogus were the desk sergeant and telephone switchboard operator, respectively, at the front desk of the 112<sup>th</sup> Precinct station house at the time of the alleged incident, , **Allegations A, B, C, and D** are being pleaded against PO Fogus and Sgt. Jusza.

#### Recommendations

#### Allegation A: Offensive Language: PO Donna Fogus made remarks to § 87(2)(b) and § 87(2)(b) based upon ethnicity.

§ 87(2)(b) stated that on February 14, 2014, he went to the 112<sup>th</sup> Precinct station house with his mother, § 87(2)(b) to file a criminal complaint against his ex-wife. When he spoke to his mother in Hebrew, PO Donna Fogus, the telephone switchboard operator who refused to take his criminal complaint, allegedly told § 87(2)(b) several times, “In this country, we speak English,” and § 87(2)(b) had to explain that she was a tourist and English was not her native language, and she was having a private conversation with her son. In his phone statement, § 87(2)(b) said that PO Fogus then told § 87(2)(b) “Oh, you see? You speak English, why the hell did you act like a retard (encl. c.7)?” He did not repeat this in his verified interview (encl. d2). § 87(2)(b) who returned to Israel after this incident, stated via phone in Hebrew that when PO Fogus refused to file § 87(2)(b)'s complaint, Sgt. Jusza became involved. Sgt. Jusza yelled

and other officers surrounded § 87(2)(b) and § 87(2)(b) who became fearful that the officers would arrest § 87(2)(b) so they left the station house. § 87(2)(b) did not allege that PO Fogus told her to speak English (encl. e1).

Neither PO Fogus nor Sgt. Jusza, who was at the desk at the time of this incident, recalled this incident (encl. f1-f4, g1-g4).

§ 87(2)(g)

[REDACTED]

**Allegation B: Offensive Language: Sgt. Thomas Jusza made remarks to § 87(2)(b) based upon ethnicity.**

**Allegation C: Abuse of Authority: Sgt. Thomas Jusza refused to provide his name to § 87(2)(b)**

**Allegation D: Abuse of Authority: Sgt. Thomas Jusza threatened to arrest § 87(2)(b)**

§ 87(2)(b) stated that after speaking to PO Fogus, he began interacting with the desk sergeant, Sgt. Thomas Jusza, who also refused to take his criminal complaint. Sgt. Jusza allegedly told § 87(2)(b) “Israelis are stubborn and not very bright when it comes to police.” When § 87(2)(b) asked Sgt. Jusza for his name to file a complaint with his lieutenant, Sgt. Jusza allegedly refused and said that if § 87(2)(b) told the lieutenant that he was speaking to the desk sergeant, the lieutenant would know who he was referring to. Then Sgt. Jusza allegedly told § 87(2)(b) that if he and § 87(2)(b) did not leave the station house, they would be arrested, at which point § 87(2)(b) and § 87(2)(b) left (encl. d2-d5). § 87(2)(b) did not allege in his phone statement that Sgt. Jusza made any comments about Israelis, although he did state in his original complaint that officers “used offensive language” without specifying what that was (encl. c7). § 87(2)(b) did not state that he asked Sgt. Jusza for his name in his phone statement, although he did make this allegation in his original complaint (encl. c1-c4). Additionally, § 87(2)(b) claimed in his phone statement that when he asked to approach Sgt. Jusza’s desk while conversing with him, Sgt. Jusza told him he did not want “scum” next to him (encl. c7). He did not repeat this allegation in his verified complaint (encl. d2). § 87(2)(b) stated in her phone statement in Hebrew that Sgt. Jusza yelled and other officers surrounded § 87(2)(b) and § 87(2)(b) who became fearful that the officers would arrest § 87(2)(b) so they left the station house. § 87(2)(b) did not provide any details of the conversation between Sgt. Jusza and her son (encl. e1).

Neither PO Fogus nor Sgt. Jusza, who was at the desk at the time of this incident, recalled this incident (encl. f1-f4, g1-g4).

§ 87(2)(b) did not repeat the allegations that Sgt. Jusza made offensive remarks, refused to provide his name, and threatened to arrest them. § 87(2)(g)

[REDACTED]

Team: \_\_\_\_\_

Investigator:	_____	_____	_____
	Signature	Print	Date

Supervisor:	_____	_____	_____
	Title/Signature	Print	Date

Reviewer:	_____	_____	_____
	Title/Signature	Print	Date

Reviewer:	_____	_____	_____
	Title/Signature	Print	Date